

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4472

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL FLORIG,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Peter J. Messitte, Senior District Judge. (8:15-cr-00056-PJM-1)

Submitted: December 22, 2015

Decided: January 14, 2016

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Richard J. Link, Jr., KARPEL, LINK & CAPORALETTI, Rockville, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Hollis Raphael Weisman, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In a bench trial before a magistrate judge, Michael Florig was convicted of theft of government property. The district court affirmed his conviction. On appeal, Florig argues that there was insufficient evidence that the property found in his possession belonged to the Government because the only evidence on this issue was circumstantial.

"We review a challenge to the sufficiency of the evidence de novo. If, viewing the evidence in the light most favorable to the Government, we find there is substantial evidence to support the conviction, we will affirm the jury verdict." United States v. McDonnell, 792 F.3d 478, 515 (4th Cir. 2015) (internal quotation marks and citation omitted), petition for cert. filed, ___ U.S.L.W. ___ (U.S. Oct. 15, 2015) (No. 15-474). Significantly, "circumstantial evidence is treated no differently than direct evidence, and may be sufficient to support a guilty verdict even though it does not exclude every reasonable hypothesis consistent with innocence." United States v. Gray, 137 F.3d 765, 772 (4th Cir. 1998) (internal quotation marks omitted). In this case, the circumstantial evidence that the property found in Florig's car belonged to the commissary where he worked, as aptly summarized in the district court's opinion, was overwhelming. Accordingly, we conclude that the evidence was sufficient to support Florig's conviction.

We affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED